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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,448	04/12/2001	Howard Letovsky	30554-05700	5265

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NEW YORK, NY 10005-1413

EXAMINER

BANTA, TRAVIS R

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/833,448	<b>Applicant(s)</b> LETOVSKY ET AL.	
	<b>Examiner</b> Travis R. Banta	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2, 4-6, 9, 11-15, 25-27, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US 6,508,709) in view of Hedges et al. (US 4,467,424). Regarding claims 1, 11-15, 34, Karmarkar discloses an interactive gaming system comprising a player station (54), being read as a user computer, a data network (50) in communication with said player station, a gaming server (34) in communication with said data network (50). Karmarkar discloses remote player terminals including remote processors, which perform appropriate commands such as control functions, 1:26-27, 7:58-60, 17:43-67, 18:1-57. Karmarkar further discloses transferring data using data compression and encryption, 2:12-36, 12:1-18. Although Karmarkar uses encryption and compression techniques to transfer data, he fails to disclose providing a

Art Unit: 3714

bandwidth and transmission detection device in his system. Instead, Karmarkar discloses in column 2:12-36 data compression using a video codec and that various communication pathways and protocols are used where the path for multimedia video source needs to be a specific bandwidth along with a specified bandwidth for the return path teach the importance of knowing the available bandwidth.

Throughout the disclosure of Karmarkar there is a teaching that bandwidth is important and the necessary bandwidth must be available. Additionally, Karmarkar discloses that any method of reducing the bandwidth for performance is to be used. Furthermore, the knowledge generally available to one of ordinary skill in the art would lead one to understand that since bandwidth is important to the performance of the system then measurement and testing of the bandwidth, which is well known in the art, would be paramount to the operation of the device and provide adequate motivation to find a system where such measurements are made. In an analogous invention Hedges et al. teaches a remote gaming system and a method for determining network conditions in which he includes a bandwidth and transmission detection device, see figure 8-42.

One of ordinary skill in the art would recognize, especially after Karmarkar's emphasis of the importance of bandwidth, that remote gaming machines must have the ability to communicate nearly instantly to maintain a player's interest in the remote gaming opportunity. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the remote gaming system described by Hedges et al. with the distributed multimedia gaming system of Karmarkar to ensure bandwidth

Art Unit: 3714

and transmission speed harmony between remote machine and the gaming server over the data network.

Moreover, as further evidence, Hedges et al. suggests using a Bell telephone system modem or another appropriate modem specified by CCITT. An example is the Bell 212 A modem as described on <http://www.arcelect.com/bell.htm> is comparable to the ITU V.22 communication protocol. This protocol as specified on <http://www.arcelect.com/vspecifi.htm> teaches a two wire modem for use in a general telephone network. The modem is set up for 2.4 Kbps with a 1.2 Kbps fall back. The modem is itself a bandwidth and transmission detection device as the modem will optimize between itself and another modem in the network to decide the speed at which the modems should to communicate. Hedges et al. also shows an encryption device in Figure 8-90. Modems are well known to use compression techniques in communication to improve bandwidth. Many compression formats are known in the art and specified for use by CCITT. The V.42 CCITT format is specified as generally included in dialup modems and a well known modem compression technique. One of ordinary skill in the art is motivated to combine the remote gaming system of Hedges et al. with the distributed multimedia gaming system of Karmarkar along CCITT standards as technology improves providing higher speed communication. This faster communication, as taught by Karmarkar, enables high data transfers such as video information to maintain a player's interest at a remote gaming site.

Regarding claim 2, Karmarkar discloses using video cameras (60,70,80) in communication with the gaming server

Regarding claim **4**, Karmarkar discloses the remote processor performing appropriate routing functions, 7:58-60.

Regarding claim **5**, archiving; by definition, means a collection containing records, documents, or other materials of historical interest. Although Karmarkar fails to disclose including an archive server in his system, Karmarkar discloses storing gaming episodes for later playback, 2:37-56, 9:66-67, 10:1-7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to note that Karmarkar is using an archiving unit to store and save the recorded games for later use. Accordingly, Karmarkar is cited to teach the archiving server claimed by the instant invention.

Regarding claim **6**, Karmarkar discloses using appropriate time stamping feature in his system, 25:21-37. Including the time-stamping unit in the archiving server would have been a matter of design choice.

Regarding claim **9**, Karmarkar discloses transmitting information in real time, 13:33-36.

Regarding claims **25** and **26**, Hedges et al. teach a modem and corresponding circuitry to determine the bandwidth connection and the transmission speed automatically. The speeds are optimized to based on the settings the modems "agree" on as described above and shown in Figure 8-42.

Regarding claim **27**, Hedges et al teach a modem that optimizes transmission information based on the detected optimal speed. The system then uses encryption and compression techniques described above in relation to the CCITT standards.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable Over Karmarkar (US 6,508,709) in view of Hedges et al. et al. (US 4,467,424) and further in view of Watt (US 5,781,532). Regarding claim 7, Karmarkar in view of Hedges et al. disclose the claimed invention as substantially as discussed above. Karmarkar in view of Hedges et al. fail to disclose a relay switching and serial data interface in communication with the gaming server and the wagering device. In an analogous network interface, Watt teaches a network system providing a relay switching and data link interface, 1:46-2:15. One of ordinary skill in the art would recognize that such a switching mechanism and serial data interface is advantageous in a remote gaming application because it would prioritize players. That is to say, when multiple players are connected to the gaming server, one player (ideally on the player's turn) connection would be prioritized above the connections of the other players until the player had finished his turn. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a switching relay and serial data interface in a network system as taught by Watt into the Karmarkar in view of Hedges et al. type system in order to reduce system congestion in the system by prioritizing players when using limited bandwidth.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US 6,508,709) in view of Hedges et al. et al. (US 4,467,424) and further in view of Khosla (6,080,063). As per claim 8, Karmarkar in view of Hedges et al. disclose the claimed invention as substantially as explained above. Karmarkar in view of Hedges et al. fail to disclose a gaming server comprising a file compression codec filter. Khosla

Art Unit: 3714

teaches a network system allowing remote players to participate in a live gaming event. Khosla further teaches providing sophisticated compression and filtering functions, 4:44-45. One of ordinary skill in the art would realize sophisticated compression and filtering functions would allow for increased quality of transmitted video. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the filtering functions taught by Khosla in the Karmarkar in view of Hedges et al. type system to increase the quality of the live video and the quantity of the video in a given time. It is also noted that Karmarkar discloses using data compression with a video Codec using, for example, J/MPEG and other application-specific compression techniques suggesting to one of ordinary skill in the art that Karmarkar, although not specifically mentioned, does employ sophisticated compression and filtering functions.

Claims **3, 16-20, 32-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US 6,508,709) in view of Hedges et al. et al. (US 4,467,424) and further in view of Lvov (6,117,011). Regarding claims **3, 16-20, 32-33** Karmarkar in view of Hedges et al. disclose the claimed invention as substantially as explained above. Karmarkar in view of Hedges et al. fail to disclose accessing personal financial information through the remotely located computer. Lvov teaches a network system capable of settling financial information using electronic communication, 4:36-44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the electronic financial communication as taught by Lvov into the Karmarkar in view of Hedges et al. type system in order to allow betting of real money through player's bank accounts. As per claim **17**, Lvov allows players to use their bank



or gaming account to wager, 10:40-43. As per claims **18, 19**, Lvov teaches the financial communication between a player's gaming account and a player's deposit account, such as the transfer of gains or losses, 10:14-25, 62-64, 11:17-23. As per claim **20**, Lvov teaches logging all gaming events and enabling players to check the validity of all gaming actions to prevent possibility of fraud, 11: 36-38.

Claims **21-23** are rejected under 35 U.S.G. 103(a) as being unpatentable over Karmarkar in view of Hedges et al. and further in view of Graves (5,380,067).

As per claim **22**, Karmarkar in view of Hedges et al. disclose the claimed invention as substantially as shown above. Karmarkar in view of Hedges et al. are silent on using a human proxy. Graves teaches a system where a proxy player assists a remote player/client at a gaming site~ 2:37-39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a proxy player as taught by Graves in the Karmarkar in view of Hedges et al.'s system in order to participate on behalf of a player in a game in the event of a computer or network malfunction.

As per claims **21, 23**, Graves teaches a system comprising entering commands into the device using proxy, 2:39-59.

Claims **28-31** rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar in view of Hedges et al. and further in view of Vuong (US 5,762,552).

As per claim **28-29,31**, Karmarkar in view of Hedges et al. disclose the claimed invention as substantially as shown above. Karmarkar in view of Hedges et al. fail to disclose polling wagering devices for availability. Vuong teaches an interactive real-

time network gaming system allowing remote players to participate with a feature to allow players to find open gaming opportunities 8:14-19,9:58. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an interface to direct players to available gaming opportunities as taught by Vuong into the Karmarkar in view of Hedges et al. type system in order to increase revenues by allowing players to find machines faster.

As per claim **30**, Vuong further teaches a network manager capable of tracking the current availability of active gaming tables and Vuong teaches using visual representations to select wagering device, 10:30-47.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

It is also noted that the appeal brief submitted has no argument with respect to claims 32-33. The examiner believes this to be an oversight due to the rejection of claims 32-33 being buried in the paragraph and not the applicant acquiescing to the examiner's rejection.

The new grounds of rejection result in this action being non-final.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Banta whose telephone number is (571) 272-1615. The examiner can normally be reached on Monday-Friday 9-4.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6388. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

*Ronald Denean*  
Primary Examiner  
2/17/07